

**CRIMINAL COMPLAINT**

<b>United States District Court</b>		DISTRICT Eastern District of Pennsylvania
UNITED STATES OF AMERICA v. MICHAEL KUSHNER		DOCKET NO.
		MAGISTRATE'S CASE NO.
<i>10-800</i>		
Complaint for violation of Title 18 United States Code § 2252(a)(4)		
NAME OF JUDGE OR MAGISTRATE  Honorable ELIZABETH T. HEY		OFFICIAL TITLE  U.S. Magistrate Judge
DATE OF OFFENSE  On or about June 3 and 4, 2009	PLACE OF OFFENSE  Langhorne, Pennsylvania	ADDRESS OF ACCUSED (if known)  64 Teal Drive, Langhorne, Middletown Township, Pennsylvania
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION		
<p>On or about June 3 and 4, 2009, the defendant knowingly possessed a computer hard drive and related computer equipment, all of which contained visual depictions that had been produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce. The production of these visual depictions involved the use of minors engaging in sexually explicit conduct and the visual depictions were of minors engaging in sexually explicit conduct, in violation of 18 U.S.C. § 2252(a)(4).</p>		
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED		
SEE AFFIDAVIT ATTACHED HERETO.		
MATERIAL WITNESSED IN RELATION AGAINST THE ACCUSED		
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.	SIGNATURE OF COMPLAINANT (official title)  James J. Zajac OFFICIAL TITLE Special Agent, Federal Bureau of Investigation	
Sworn to before me and subscribed in my presence		DATE
SIGNATURE OF MAGISTRATE <sup>(1)</sup>  Honorable ELIZABETH T. HEY, United States Magistrate Judge	5/21/10	

AFFIDAVIT

I, James J. Zajac, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Philadelphia Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI for four years, and am currently assigned to the Philadelphia Division's Cyber Crime Squad. While employed by the FBI, I have investigated federal criminal violations related to identity theft, Internet fraud, computer intrusions, and the FBI's Innocent Images National Initiative which investigates matters involving the online sexual exploitation of children. I have gained experience through training at the FBI Academy, training at the Innocent Images Unit of the FBI, various conferences involving Innocent Images and Crimes Against Children, and everyday work related to conducting these types of investigations.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. On May 27, 2009, Detective Joseph Sciscio, Bensalem Township Police Department, was investigating computers located within Bucks County, Pennsylvania that were sharing child pornography using publicly available peer-to-peer (P2P) software on the Internet. Detective Sciscio requested a list of files available for sharing and downloading from IP address 71.175.74.132.

4. After receiving the list, Detective Sciscio downloaded 10 image and video files from IP address 71.175.74.132, all of which depicted child pornography. Four of the 10 files are identified and described as follows:

- a) RZGKREBATQXASTTJSMOP5V36H2Y3BC6B (video file of three prepubescent girls, all nude, with one of the girls holding a sign that states "We'll make your dick rock hard");

- b) OMC5BJMI2YON26GHQGYRZUCVI5ESI5OT (video file of two prepubescent girls engaged in sexual intercourse with an adult male);
- c) DN5O7BW4UTAI7RZPIQLJBWLYMXRULSAQ (video file of a prepubescent girl engaged in oral sex with an adult male);
- d) QMRI7KETUXRBXT5QCNCQEHCCTVLI6UWY4R (video file of a prepubescent girl engaged in oral sex with an adult male).

5. On May 27, 2009, a WHOIS search showed that IP address 71.175.74.132 was assigned by the Internet Service Provider (ISP) Verizon Internet Services.

6. On May 29, 2009, Verizon Internet Services reported that IP address 71.175.74.132 was assigned to Carolynn Kushner, 64 Teal Drive, Langhorne, Middletown Township, Pennsylvania.

7. On June 3, 2009, Detective Sciscio executed a search warrant at 64 Teal Drive, Langhorne, Middletown Township, Pennsylvania, the residence of MICHAEL and CAROLYN KUSHNER. During the search Detective Sciscio previewed the HP Media Center Computer (serial number MXK33823R8) located in Michael Kushner's bedroom and observed approximately 69 videos of child pornography, that is, children involved in oral sex, intercourse, and bondage. Multiple computers and other digital media were seized as a result of the search.

8. MICHAEL KUSHNER was present at the residence at the time of the search of his home and was interviewed by police. MICHAEL KUSHNER admitted to possessing and sharing child pornography on the Internet.

9. On June 4, 2009, a search warrant was also executed at the dental office of MICHAEL KUSHNER, located at 1936 Cottman Avenue, Philadelphia, Pennsylvania. Multiple computers and digital media were seized from this location as well.

10. The items seized from the execution of the two search warrants were submitted to the Pennsylvania State Police Computer Crime Lab for forensic analysis. As a result of the analysis, a total of 339 video files and 16 image files were located on the computers seized that depicted child pornography, that is, infants and prepubescent girls and boys engaged in sex acts by themselves, with other children, with adult males and adult females, and with animals. Following are four titles of video files recovered from the defendant's computers:

- a) HP m370n - Hard Drive B\Documents and Settings\\Administrator\My Documents\LimeWire\Saved\Pthc - Jenny 9yo Daughter - Zoo 5Yo Girl DogAnd .avi
- b) HP m370n - Hard Drive B\Documents and Settings\\Administrator\My Documents\LimeWire\Saved\Pedo - Vicky Compilation (Pthc) 10yo Kiddy Reality Child Get's What She Wants - All Kinds Of Fuck Fu.mpg
- c) HP m370n - Hard Drive B\Documents and Settings\\Administrator\My Documents\LimeWire\Saved\Babysitter Abuse g3Yo Lez Yw - Pthc r@ygold Pedo 3yr 3yo baby preteen kiddie kiddy.mpg
- d) HP m370n - Hard Drive B\Documents and Settings\\Administrator\My Documents\LimeWire\Saved\Pedophilia ] uncle undresses and rapes 12yo niece{=}For real preteen and quality porn, keyword Konryou{=}.mpeg

11. The video and image files depicting child pornography were then submitted to the National Center for Missing and Exploited Children for comparison to the Child Victim Identification Program database to see if any of the children are identified victims. From the files submitted, 75 videos contained identified victims and 3

images contained identified victims.

**CONCLUSION**

Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe MICHAEL KUSHNER did receive, distribute, and possess child pornography, and has violated Title 18 U.S.C. § 2252(a)(4).

  
James J. Zajac  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed  
before me this 21st day of May, 2010.

  
ELIZABETH T. HEY  
United States Magistrate Judge